

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:09-CT-3142-FL

LASCELLES SOMIE, et al.,)
)
Plaintiff,)
)
v.) ORDER
)
THE GEO GROUP, INC., et al.,)
)
Defendants.)

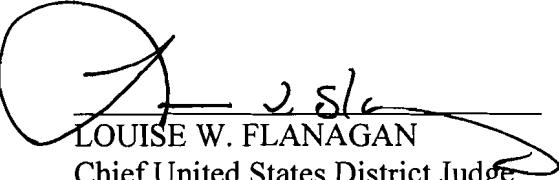
Plaintiffs Lascelles Somie and Oral Malcolm (“plaintiffs”) filed this action pursuant to 42 U.S.C. § 1983. This matter comes before the court on the motion to dismiss (DE # 13) and the motion to strike (DE # 21) filed by defendants The GEO Group, Inc., George Snyder, David Farmer, D. Blevins, and Ms. Wolfe. Also before the court is plaintiffs’ motion to file an amended complaint (DE # 24). These matters are ripe for adjudication. For the following reasons, the court grants plaintiffs’ motion to amend, and denies defendants’ motions without prejudice.

The court first addresses plaintiffs’ motion to amend. Pursuant to Federal Rule of Civil Procedure 15, a plaintiff may amend a pleading before trial as a matter of course within twenty-one (21) days of service, or “if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed.R.Civ.P. 15(a)(1). “In all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” Fed.R.Civ.P 15(a)(2). “In the absence of any apparent or declared

reason--such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.--the leave sought should, as the rules require, be 'freely given.' " Foman v. Davis, 371 U.S. 178, 182 (1962).

Plaintiffs filed their initial complaint *pro se*, but recently obtained counsel. Plaintiffs seek leave to amend so that they may streamline their complaint with the assistance of counsel. Defendant GEO Group, Inc. responded that it does not oppose plaintiff's motion. For good cause shown, the court GRANTS plaintiffs' motion to amend (DE # 24). Because the court granted plaintiffs' motion to amend, the court denies without prejudice defendants' motion to dismiss (DE # 13) and motion to strike (DE # 21). The court notes that the only counsel of record for plaintiffs is Frank S. Murray. Local counsel Ms. Mary S. Pollard and Mr. Jason A. Miller must make an individual and separate notice of appearance.

SO ORDERED, this the 20th day of September, 2010.



LOUISE W. FLANAGAN
Chief United States District Judge